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5 IN THE UNITED STATES DISTRICT COURT  
6 FOR THE DISTRICT OF ARIZONA  
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8 The CIT Group/Consumer Finance, Inc.,)  
9 its assignees and/or successors-in-interest,)

10 Plaintiff,

11 vs.

12 Fred Hampton, Occupants and Parties-In-)  
13 Possession,)

14 Defendant(s).  
15

No. CV-08-01951-PHX-LOA

**NOTICE OF ASSIGNMENT  
AND ORDER**

16 Pursuant to Local Rule ("LRCiv") 3.8(a), Rules of Practice, effective  
17 December 1, 2007, all civil cases are, and will be, randomly assigned to a U.S. district  
18 judge or to a U.S. magistrate judge. This matter has been assigned to the undersigned U.S.  
19 Magistrate Judge.

20 As a result of the aforesaid Local Rule, if all parties consent in writing, the  
21 case will remain with the assigned magistrate judge pursuant to 28 U.S.C. 636(c)(1) for  
22 all purposes, including trial and final entry of judgment. If any party chooses the district  
23 judge option, the case will be randomly reassigned to a U.S. district judge. To either  
24 consent to the assigned magistrate judge or to elect to have the case heard before a  
25 district judge, the appropriate section of the form, entitled Consent To Exercise Of  
26 Jurisdiction By United States Magistrate Judge<sup>1</sup>, must be completed, signed and filed.

27 <sup>1</sup>The consent/election form may be obtained directly from the Clerk of the Court or  
28 by accessing the District of Arizona's web site at [www.azd.uscourts.gov](http://www.azd.uscourts.gov). To find the  
consent/election form on the District's web site, click on "Local Rules" at the top of the page,

1 The party filing the case or removing it to this Court is responsible for serving all parties  
2 with the consent forms. Each party must file a completed consent form and certificate of  
3 service with the Clerk of the Court not later than 20 days after entry of appearance, and  
4 must serve a copy by mail or hand delivery upon all parties of record in the case.

5 Any party is free to withhold consent to magistrate judge jurisdiction  
6 without adverse consequences. 28 U.S.C. 636(c)(2); Rule 73(b), Fed.R.Civ.P.; *Anderson*  
7 *v. Woodcreek Venture Ltd.*, 351 F.3d 911, 913-14 (9<sup>th</sup> Cir. 2003) (pointing out that  
8 consent is the "touchstone of magistrate judge jurisdiction" under 28 U.S.C. §636(c). "A  
9 party to a federal civil case has, subject to some exceptions, a constitutional right to  
10 proceed before an Article III judge." *Dixon v. Ylst*, 990 F.2d 478, 479 (9<sup>th</sup> Cir. 1993)  
11 (citing *Pacemaker Diagnostic Clinic of Am. Inc. v. Instromedix, Inc.*, 725 F.2d 537, 541  
12 (9<sup>th</sup> Cir. 1984) (*en banc*)).

13 A review of the Court's file indicates that Defendant Fred Hampton filed an  
14 Amended Notice of Removal on October 27, 2008. (docket #6)

15 Defendant Fred Hampton shall have until **Thursday, November 13, 2008**,  
16 within which to make his selection to either consent to magistrate judge jurisdiction or  
17 elect to proceed before a U. S. district judge.

18 Accordingly,

19 **IT IS ORDERED** that Defendant Fred Hampton shall file on or before  
20 **Thursday, November 13, 2008** his written election to either consent to magistrate judge  
21 jurisdiction or elect to proceed before a United States district judge.

22 **IT IS FURTHER ORDERED** that Plaintiff The Cit/GroupConsumer  
23 Finance, Inc., shall either consent to proceed before a magistrate judge or elect to  
24 proceed before a district judge by **Thursday, November 13, 2008**.

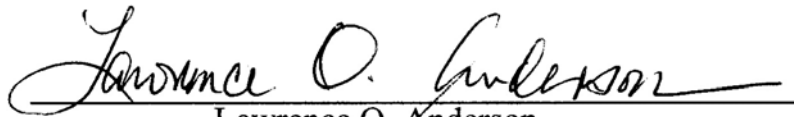
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28 then click on "forms" on the left side of the page and then click on and print the appropriate  
form.

1                   **IT IS FURTHER ORDERED** that Defendant shall use proper  
2 capitalization in all future captions as mandated by LRCiv 7.1(a)(3).

3                   **IT IS FURTHER ORDERED** that counsel and any party, if  
4 unrepresented, shall hereinafter comply with the Rules of Practice for the United States  
5 District Court for the District of Arizona, as amended on December 1, 2007. The  
6 District's Rules of Practice may be found on the District Court's internet web page at  
7 [www.azd.uscourts.gov/](http://www.azd.uscourts.gov/). All other rules may be found as [www.uscourts.gov/rules/](http://www.uscourts.gov/rules/). The  
8 fact that a party is acting pro se does not discharge this party's duties to "abide by the  
9 rules of the court in which he litigates." *Carter v. Commissioner of Internal Revenue*, 784  
10 F.2d 1006, 1008 (9<sup>th</sup> Cir. 1986).

11                   **IT IS FURTHER ORDERED** that counsel and any party, if  
12 unrepresented, shall use the above caption, number and initials until further order of the  
13 Court.

14                   DATED this 28<sup>th</sup> day of October, 2008.

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16                   Lawrence O. Anderson  
17                   United States Magistrate Judge  
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